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Date: September 11, 2006

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To: USPTO  
Attn: Examiner Chen

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## Message: DELIVER TO EXAMINER SHIN-LIN CHEN

Applicant : Robbins, Jeffrey  
Filed : March 11, 2004  
Serial No. : 10/798,037  
Title : CARDIAC-PREFERRED GENETIC ALTERATION OF TRANSGENIC RABBITS  
Docket No. : CHM02-GN054  
Examiner : Chen, Shin-Lin  
Art Unit : 1632

See attached Response to Election/Restriction Requirement in the above-referenced matter.

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of:

Applicant : Robbins, Jeffrey  
Serial No. : 10/798,037  
Filed : March 11, 2004  
Title : CARDIAC-PREFERRED GENETIC ALTERATION OF  
TRANSGENIC RABBITS  
Docket No. : CHM02 GN054  
Examiner : Shin-Lin Chen  
Art Unit : 1632

Hon. Commissioner for Patents  
Alexandria, VA 22313

Dear Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

This paper is filed in response to the Election/Restriction Requirement Office action  
mailed on July 10, 2006 having a period of response extending through and including September  
11, 2006.

## REMARKS

The July 10, 2006 Office action indicates that pending claims, 1-49, are subject to a  
restriction or election requirement.

Election

Serial No. 10/798,037

CARDIAC-PREFERRED GENETIC ALTERATION OF TRANSGENIC RABBITS

Docket No. : CHM02-GN054

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As indicated on Page 2 of the July 10 Office Action, it is alleged that the application contains claims directed to five patentably distinct inventions:

Group I: Claims 1-9 drawn to an animal cell stably transformed with an expression cassette comprising a promoter having the nucleotide sequence set forth in SEQ ID NO:1 or 2 or variants thereof operably linked to a heterologous nucleotide sequence.

Group II: Claims 10-26 and 35-39, drawn to a transgenic rabbit or animal stably transformed with an expression cassette comprising a promoter having the nucleotide sequence set forth in SEQ ID NO:1 or 2 or variants thereof operably linked to a heterologous nucleotide sequence.

Group III: Claims 27-33 and 40-42, drawn to methods of altering expression of a heterologous nucleotide sequence in an animal comprising providing a transgenic animal with a promoter having the nucleotide sequence set forth in SEQ ID NO:1 or 2 or variants thereof operably linked to a heterologous nucleotide sequence and determining expression levels of the heterologous nucleotide sequence, kits for performing these methods comprising a transgenic rabbit of the invention, and kits comprising a transgenic rabbit of the invention.

Group IV: Claims 34 and 44-49, drawn to methods of identifying anti-cardiopathic compounds involving providing transgenic rabbits, administering a compound of interest to a first rabbit and monitoring a cardiopathic phenotype in the first rabbit and an untreated second rabbit, kits for performing methods of identifying anti-cardiopathic compounds, and kits for altering an animal's susceptibility to a cardiopathy.

Group V: Claim 43 drawn to a kit for performing a method of altering expression of a heterologous nucleotide sequence in an animal said kit comprising at least one expression cassette comprising a promoter having the nucleotide sequence set forth in SEQ ID NO:1 or 2 or variants thereof.

Applicant elects to prosecute the claims 10-26 and 35-39 corresponding to Group II, without traverse.

If the Examiner holds that the instant election is proper, cancellation of claims 1-9, 27-34, and 40-49 will follow the first Office action on the merits. Favorable consideration of the elected claims is respectfully requested. The Commissioner is hereby authorized to charge any

Election

Serial No. 10/798,037

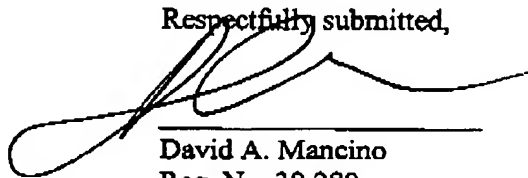
CARDIAC-PREFERRED GENETIC ALTERATION OF TRANSGENIC RABBITS

Docket No. : CHM02-GN054

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additional fees that may be required by this paper, or to credit any overpayment to Deposit  
Account 50-3072. If the Examiner wishes to discuss any aspect of this response, do not hesitate  
to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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